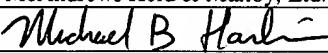
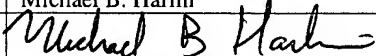
 (to be used for all correspondence after initial filing)		Application Number		10/763,987					
		Filing Date		January 21, 2004					
		First Named Inventor		Scott L. Childs					
		Art Unit		1625					
		Examiner Name		Paul J. Killos					
Total Number of Pages in This Submission		4		Attorney Docket Number		1723-14245US02			
ENCLOSURES (check all that apply)									
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RESPONSE TO RESTRICTION REQUIREMENT					
Remarks									
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT									
Firm		McAndrews Held & Malloy, Ltd.							
Signature									
Printed Name		Michael B. Harlin							
Date		November 10, 2006							
CERTIFICATE OF MAILING									
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 10, 2006.									
Name (Print/type)		Michael B. Harlin		Registration No. (Attorney/Agent)		43,658			
Signature						Date		November 10, 2006	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Our Case No. 1723-14245US02)

In the Application of:

Scott L. Childs

For: NOVEL COCRYSTALLIZATION

Serial No.: 10/763,987

Filing Date: January 21, 2004

Examiner: Paul J. Killos

Group Art Unit: 1625

Confirmation No.: 9485

CERTIFICATE OF MAILING

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) Patents, P.O. Box 1450, Alexandria, VA
) 22313-1450, on November 10, 2006.

) By:



) Michael B. Harlin
) Reg. No. 43,658
)
)
)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 10, 2006, Applicants provisionally elect, with traverse, Group III claims 58-60. Applicants specifically request that Group VI claims 65-66 and Group VII claims 67-68 be examined along with the elected Group III claims. This response is timely filed, as the Office Action permitted one month for reply, making this response due on November 10, 2006.

Group I consisted of claims 1-56 and 69-99, stated by the Examiner as drawn to a cocrystal.

Group II consisted of claim 57, stated by the Examiner as drawn to a method of generating a cocrystal.

Group III consisted of claims 58-60, stated by the Examiner as drawn to a method of preparing a cocrystal.

Group IV consisted of claims 61-63, stated by the Examiner as drawn to a method of modifying physical properties of a drug formulation.

Group V consisted of claim 64, stated by the Examiner as drawn to a method of preparing cocrystalline pharmaceutical composition.

Group VI consisted of claims 65-66, stated by the Examiner as drawn to a method of preparing a cocrystal from a hydrate.

Group VII consisted of claims 65-66, stated by the Examiner as drawn to a method of preparing a cocrystal from a solvate.

The basis of the applicant's traversal of the provisional election is that Group III claims 58-60 are sufficiently related in subject matter to Group VI claims 65-66 and Group VII claims 67-68 that the Group VI and VII claims could be readily searched and examined together with the Group III claims.

The claims of Groups III, VI and VII are all drawn to methods of preparing a cocrystal which comprises a salt and a guest. All of the claimed methods employ a starting material, and form a cocrystal comprising a salt and a guest. Different starting materials may be employed, but the same resulting cocrystals may be formed by various embodiments of the claims of Groups III, VI and VII. Moreover, Group III claims 58-60 employ a "salt" as the starting material, and that "salt" could be a hydrate of the salt, like the hydrate recited in Group VI claims 65-66, or a solvate of the salt, like the solvate recited in Group VII claims 67-68.

It is contemplated that there is some overlap between the claims of Groups III, Group VI and Group VII. The combined examination of Group III claims 58-60, Group VI claims 65-66 and Group VII claims 67-68 is appropriate, even though it is correct that the claims of Groups III, VI and VII are not obvious variants of each other. Applicants respectfully submit that it would not be an undue burden to search and examine Group VI claims 65-66 and Group VII claims 67-68 along with the provisionally elected Group III claims 58-60.

Applicants' provisional election of Group III claims 58-60 is hereby made without prejudice to Applicants' right to pursue the non-elected claims in one or more divisional applications.

The Examiner is invited to telephone Applicants' representative if the Examiner believes, for any reason, that personal communication would expedite the prosecution of this application.

Respectfully submitted,

Dated: November 10, 2006

A handwritten signature in black ink, reading "Michael B. Harlin". The signature is written in a cursive style with a horizontal line underneath.

Michael B. Harlin
Reg. No. 43,658

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